

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA :

v. :

BERNARD GREENSPAN, :

Defendant. :

NO. 2:16-CR-114-KM
(Hon. Kevin McNulty)

SUGGESTION OF MOOTNESS

*and ORDER OF DISMISSAL
of motion*

Defendant Bernard Greenspan moved this Court *pro se* on May 14, 2019 (Doc. 148) for a reduction in the length of his sentence based on “extraordinary and compelling reasons.” 18 U.S.C. § 3582(c)(1)(A)(i), to wit, diagnosis of a terminal illness (lymphoma, stage IV), or in the alternative on account of advanced age and debilitated physical condition. *See also* Doc. 149, 152. Long after being ordered to respond (*see* Doc. 150), the government on August 8 filed a memorandum in opposition, supported by an affidavit of the Clinical Director at FMC Butner. In that Opposition, the government denied that Dr. Greenspan had a “terminal illness.” Doc. 154. The supporting affidavit, signed by a medical doctor, asserted that Dr. Greenspan was “responding to ... chemotherapy,” was “tolerating the chemotherapy regimen better than would be expected,” and on that basis “will do well.” Doc. 154-1. On August 13, 2019, the defendant, by counsel, filed a Reply refuting these assertions as a matter of fact and law and urging his immediate release. Doc. 155. Two days later, on August 15, 2019, Bernard Greenspan, age 82, died of his disease in Bureau of Prisons custody at FMC Butner after serving more than two years of his four-year sentence.

For the foregoing reasons, undersigned counsel for the defendant suggests that the defendant's pending motion is moot and may properly be dismissed on that basis.

Dated: August 27, 2019

SO ORDERED,
this 28th day of August, 2019,
BY THE COURT:


KEVIN McNULTY, U.S.D.J.

Clerk to close the file

Respectfully submitted,

s/Peter Goldberger
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CERTIFICATE OF SERVICE

On 8/27/2019, I served a copy of the foregoing document on the attorneys for the government by notice of electronic filing, addressed to:

Danielle Alfonzo Walsman, Esq.
Joseph N. Minish, Esq.
Ass't U.S. Attorneys

s/Peter Goldberger